

# **EXHIBIT V**

**FILED UNDER SEAL**

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**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

GOOGLE LLC,

Plaintiff

v.

SONOS, INC.,

Defendant.

CASE NO. 3:20-cv-06754-WHA

Related to CASE NO. 3:21-cv-07559-WHA

**REBUTTAL EXPERT REPORT OF SAMRAT BHATTACHARJEE REGARDING NON-  
INFRINGEMENT OF CLAIM 13 OF U.S. PATENT NO. 9,967,615 AND OTHER ISSUES**

**HIGHLY CONFIDENTIAL AEO AND SOURCE CODE MATERIALS**

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361. Finally, Dr. Schmidt argues that NIA No. 1 would still infringe based on “the videoIDs provided by the” [REDACTED]. Specifically, each time the receiver plays a new song or video it makes a [REDACTED] and receives a WatchNext response that may contain a previous, current, and next videoId. According to Dr. Schmidt, in Google’s NIA No. 1 the [REDACTED] would continue to serve as a first set of cloud servers that provide videoIds (the alleged resource locators) to a YouTube receiver, and that are separate from the [REDACTED]

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[REDACTED]. Schmidt Rpt., 517. Dr. Schmidt’s argument is incorrect. Even assuming a videoId is a resource locator (it is not), Dr. Schmidt fails to account for the fact that Google’s Non-Infringing Alternative No. 1 involves [REDACTED]

[REDACTED]. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] GOOG-SONOSNDCA-00071671; *see also* GOOG-SONOSNDCA-00070863 (“[REDACTED]

[REDACTED]

Put another way, with [REDACTED] Google’s NIA No. 1 would merge the functionality of the [REDACTED], such that the [REDACTED] would not be a separate set of servers, as required by Claim 13.

362. Dr. Schmidt’s speculation that the alternative would “not have been technically feasible” because it would create a “single point of failure” ignores the fact that Google has [REDACTED]. See e.g., GOOG-SONOSNDCA-00073431 (“[REDACTED]

[REDACTED]

[REDACTED]); (GOOG-SONOSNDCA-00073427) ([REDACTED] [REDACTED]). And it is my understanding

that Google has [REDACTED]. *See e.g.*, GOOG-SONOSNDCA-00116349, GOOG-SONOSNDCA-00116350, GOOG-SONOSNDCA-00116353. Google also has plans [REDACTED]. *Id.* The fact that Google has continued to deploy and that many YouTube services have successfully been

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[REDACTED] does not introduce a single point of failure, as Dr. Schmidt suggests.

363. Similarly, Dr. Schmidt's speculation that the alternative would "not have been commercially acceptable" has no factual basis. As an initial matter [REDACTED] are architectural changes that are not "visible" to end-users. Thus, from a user perspective the experience playing YouTube and GPM would remain the same. In fact, [REDACTED] (GOOG-SONOSNDCA-00073427) ([REDACTED] [REDACTED] [REDACTED] [REDACTED]). And again, the fact that [REDACTED] further indicates that they are commercially acceptable alternatives.

364. Lastly, Dr. Schmidt claims it is "unclear to [him] if or how [REDACTED] is applicable to Google's proposal to '[s]erv[e] URLs from the same server and/or service as the content.'" Schmidt Rpt., 523. But, as I explained in my opening report, [REDACTED] [REDACTED]. Bhattacharjee Rpt., 592. In other words, [REDACTED] would serve URLs "from the same server and/or service as the content"). [REDACTED] is directed only at Sonos's argument that a videoId sent to the receiver by a [REDACTED] is a resource locator.

365. Dr. Schmidt also points to statements in a document [REDACTED] (GOOG-SONOSNDCA-00071671) that say [REDACTED] [REDACTED] [REDACTED] [REDACTED] Schmidt Rpt., 523. But Dr. Schmidt ignores the portions of the document

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considerations. It is also my understanding that Sonos may submit an expert report corresponding to this report. I reserve the right to rebut any positions taken in that report.

394. I, Samrat Bhattacharjee, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: July 27, 2022



Dr. Samrat Bhattacharjee, PhD.